

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	
)	
BAYER, Charlene W. et al.)	
)	Group No.: 1723
Serial No.: 10/693,602)	
)	Examiner: Drodge, Joseph W.
Filing Date: 24 October 2003)	
)	
For: FILTERS AND METHODS OF)	
MAKING AND USING THE SAME)	

DECLARATION OF PRIOR INVENTION TO OVERCOME A CITED REFERENCE
UNDER 37 C.F.R. § 1.131

Sir:

I, Charlene W. Bayer, do hereby declare that:

1. I am one of the eight named inventors of the invention described and claimed in the above-referenced patent application (hereinafter, "the Application") and are over the age of majority. I am the sole inventor or a joint inventor of the subject matter claimed in pending claims 1-5, 7-12, 15-18, 20-22, 24, and 33-45, as amended by any amendments filed prior to or concurrently herewith. I have personal knowledge of the statements and information contained in this Declaration. I make this Declaration in support of the patentability of the claims pending in this Application on my behalf and on behalf of the other joint inventors: Amy L. Cook, Mark Rule, Victor R. De Jésus, Robert J. Hendry, Daniel P. Campbell, Srinivas Somayajula, and Thomas R. Mohs.

2. We conceived the invention claimed in the Application at least as early as July 7, 2001, as evidenced in the following grant proposals: (1) grant proposal number EOEML-01-


1259 submitted to Ecolab Inc. on April 23, 2001; (2) Phase 1 proposal quad chart submitted to the Department of Defense on April 17, 2000; (3) Phase 2 white paper proposal submitted to the Department of Defense on June 14, 2000; and (4) Phase 3 proposal number EOEML-01-1219 submitted to the Department of Defense on July 7, 2001. Project A6716 was initiated on December 7, 2001 for the Department of Defense based on the approved Phase 3 proposal number EOEML-01-1219. Project A6648 was initiated on August 1, 2001 based on the approval of proposal number EOEML-01-2001. Thus, we conceived the currently claimed invention prior to August 13, 2002 and January 31, 2002, which our counsel explains to us are the effective reference dates for U.S. Patent Publication Nos. 2004/0118287 and 2003/0140785, respectively. The two applications are presently cited against the Application in the Final Office Action mailed June 19, 2006.

3. After conceiving the subject matter claimed and disclosed in the Application, we diligently reduced the subject matter to practice and diligently worked with our intellectual property counsel to prepare and file the Application.

4. We have never abandoned the subject matter claimed and disclosed in the Application.

5. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

This 15 day of August, 2006


Charlene W. Bayer, Ph.D.
Principal Research Scientist
Georgia Tech Research Institute